

Panaji, 26th May, 1988 (Jyaishta 6, 1910)

SERIES I No. 8

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

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Department of Urban Development

#### Notification

3-25-78-LAWD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Municipalities (Election) Rules, 1969 is hereby republished as required by sub-section (3) of section 306 of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969), for the information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Secretary to the Government of Goa, Department of Urban Development, Secretariat, Panaji before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

#### DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) of section 18 read with section 306 of the Goa, Daman and Diu Municipalities Act, 1968, (Act 7 of 1969), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Municipalities (Election) Rules, 1969, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Municipalities (Election) (Amendment) Rules, 1988.

(2) They shall come into force at once.

2. *Amendment of rule 16.*— In rule 16 of the Goa, Daman and Diu Municipalities (Election) Rules, 1969, for sub-rule (1), the following sub-rule shall be substituted, namely:—“(1) Subject to any general or special direction issued by the Government in this behalf by notification in the Official Gazette, the Returning Officer shall on the day immediately following the last day for withdrawal of candidatures, allot to each candidate a symbol in the manner hereinafter indicated in the Schedules mentioned below:

#### SCHEDULE — I

(Symbols reserved for National Party Candidates)

Name of National Party	Symbol Reserved
1. Bhartiya Janata Party	Lotus
2. Communist Party of India	Ears Corn and Sickles
3. Communist Party of India (Marxist)	Hammer, Sickles & Star
4. Indian Congress (Socialist)	Charkha
5. Indian National Congress	Hand
6. Janata Party	Haldhar within a Wheel (Charkha Haldhar)
7. Lok Dal	Farmer Ploughing the Field (Khet Jotata Hua Kisan)
8. Lok Dal (Ajit)	Kisan driving the Tractor

#### SCHEDULE — II

(Symbols reserved for State Party Candidates)

Name of the Goa State Party	Symbol Reserved
1. Goa Congress	Two Leaves
2. Maharshtrawadi Gomantak	Lion

#### SCHEDULE — III

(Symbols reserved for other than National and State Party Candidates)

1. Bicycle	10. Ladder
2. Boat	11. Pot
3. Camel	12. Railway Engine
4. Cock	13. Rising Sun
5. Car	14. Scales
6. Cart	15. Spade
7. Elephant	16. Spade and Stoker
8. Fish	17. Sparrow
9. Horse	18. Tiger

Provided that, where the number of candidates contesting the election exceeds the number of symbols in this rule, the Returning Officer may assign any other symbol to any candidates to whom no symbol has been assigned.”

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa, U. D.

Panaji, 9th May, 1988.

## Civil Supplies Department

## ORDER

4/3/75/FCS-CSD

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with Order of the Government of India in Ministry of Agriculture (Department of Food) G. S. R. No. 316 (E) dated 20th June, 1972, and with the prior approval of the Central Government conveyed vide letter No. D.O. No. 5(GENL) (16)/87-DRI/30 dated 7-1-1988 of the Government of India, Food and Civil Supplies, the Government of Goa hereby makes the following Order further to amend the Goa, Daman and Diu Foodstuffs Dealers Licensing Order, 1979, namely:—

1. *Short title, extent and commencement.*—(1) This Order may be called the Goa Foodstuffs Dealers Licensing (Amendment) Order, 1988.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Amendment of Schedules.*—In the Goa, Daman and Diu Foodstuffs Dealers Licensing Order, 1979,—

(i) in Schedule I, after item No. 21, the following item shall be inserted, namely:—

“22. Wheat”;

(ii) in Schedule II, against entry No. (v), for the words “All foodgrains taken together except rice and paddy”, the words “All foodgrains taken together” shall be substituted.

By order and in the name of the Governor of Goa.

B. V. Desai, Under Secretary (Civil Supplies).

Panaji — Goa.

Law (Legal and Legislative Affairs) Department

## Notification

10-3-88/LA

The Finance (Amendment) Act, 1987 (Act No. 46 of 1987) which was passed by Parliament and assented to by the President of India on 16th December, 1987, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 17th December, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 17th March, 1988.

The Finance (Amendment) Act, 1987

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to amend the Finance Act, 1987.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Finance (Amendment) Act, 1987.

11 of 1987.

(2) Sub-clause (ii) of clause (b) of section 3 and clause (c) of section 4 shall be deemed to have come into force on the 19th day of September, 1987 and the remaining provisions of this Act shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Finance Act, 1987 (hereinafter referred to as the principal Act),—

(a) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) In cases in which tax has to be deducted under section 194C of the Income-tax Act, the deduction shall be made at the rates specified in that section and shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such deduction.”;

(b) in sub-section (5), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in respect of any income chargeable to tax under section 115B of the Income-tax Act, the “advance tax” computed under the first proviso shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such “advance tax”.”.

3. *Amendment of the First Schedule.*—In the First Schedule to the principal Act,—

(a) in Part II, the following shall be added at the end, namely:—

## “Surcharge on income-tax

The amount of Income-tax computed in accordance with the provisions of sub-item (a) of item 1 and sub-item (a) of item 2 of this Part shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such income-tax.”;

(b) in Part III,—

(i) in the opening portion, after the words “in that Chapter or section”, the words, figures and letter ‘or surcharge on such “advance tax” in respect of any income chargeable to tax under section 115B’ shall be inserted;

(ii) the following shall be added at the end, namely:—

## “Surcharge on income-tax

The amount of Income-tax computed in accordance with the provisions of Paragraphs A, B, C, D and item 1 of Paragraph E of this Part shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such income-tax:

Provided that no such surcharge shall be payable by a non-resident."

4. *Payment of surcharge.* — Notwithstanding anything contained in the Income-tax Act, 1961,— 43 of 1961.

(a) the surcharge payable under sub-section (4A) of section 2 of, and Part II of the First Schedule to, the principal Act, as amended by this Act, shall be deductible only in respect of payments made after the date on which this Act receives the assent of the President;

(b) the surcharge payable under the second proviso to sub-section (5) of section 2 of the principal Act, in respect of the instalments of the "advance tax" paid or payable on the 15th day of September, 1987 and the 15th day of December, 1987 shall be payable on or before the 24th day of December, 1987;

(c) the surcharge payable under Part III of the First Schedule to the principal Act, as amended by this Act, in respect of the instalments of the "advance tax" paid or payable on the 15th day of June, 1987 and the 15th day of September, 1987 shall be payable on or before the 30th day of September, 1987.

5. *Repeal and saving.* — (1) The Finance (Amendment) Ordinance, 1987 is hereby repealed. Ord. 6 of 1987.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

#### Notification

10-3-88/LA

The High Court Judges (Conditions of Service) Amendment Act, 1987 (Act No. 48 of 1987) which was passed by Parliament and assented to by the President of India on 16th December, 1987, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 17th December, 1987 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 21st March, 1988.

#### The High Court Judges (Conditions of Service) Amendment Act, 1987

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ACT

*further to amend the High Court Judges (Conditions of Service) Act, 1954.*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1987.

2. *Amendment of section 22A.* — In the High Court Judges (Conditions of Service) Act, 1954, in section 22A, in sub-section (2), for the words "an amount equal to twelve and a half per cent. of his salary", the words "two thousand five hundred rupees" shall be substituted. 28 of 1954.

#### Notification

10-3-88/LA

The Administrative Tribunals (Amendment) Act, 1987 (Act No. 51 of 1987) which was passed by Parliament and assented to by the President of India on 22nd December, 1987 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 28th December, 1987 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 22nd March, 1988.

#### The Administrative Tribunals (Amendment) Act, 1987

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*further to amend the Administrative Tribunals Act, 1985.*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Administrative Tribunals (Amendment) Act, 1987.

2. *Amendment of section 2.* — In section 2 of the Administrative Tribunals Act, 1985 (hereinafter referred to as the principal Act), in clause (c), after the words "any High Court", the words "or courts subordinate thereto" shall be inserted. 13 of 1985

3. *Amendment of section 6.* — In section 6 of the principal Act,—

(a) in sub-section (1), the word "or" occurring at the end of clause (b) and clause (c) shall be omitted;

(b) in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

"(a) is, or has been, or is qualified to be, a Judge of a High Court; or";

(c) for sub-section (7), the following sub-section shall be substituted, namely:—

"(7) No appointment of a person possessing the qualifications specified in this section as the Chairman, a Vice-Chairman or a Member shall be made except after consultation with the Chief Justice of India".

4. *Substitution of new section for section 8.* — For section 8 of the principal Act, the following section shall be substituted, namely:—

"8. *Term of office.* — The Chairman, Vice-Chairman or other Member shall hold office as such

for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years:

Provided that no Chairman, Vice-Chairman or other Member shall hold office as such after he has attained,—

(a) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(b) in the case of any other Member, the age of sixty-two years.”

5. *Amendment of section 29.*—In section 29 of the principal Act, after sub-section (5), the following sub-sections shall be inserted, namely:—

“(6) Every case pending before a Tribunal immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1987, being a case the cause of action whereon it is based is such that it would have been, if it had arisen after such commencement, within the jurisdiction of any court, shall, together with the records thereof, stand transferred on such commencement to such court.

(7) Where any case stands transferred to a court under sub-section (6), that court may proceed to deal with such case from the stage which was reached before it stood so transferred.”

6. *Insertion of new section 36A.*—After section 36 of the principal Act, the following section shall be inserted:—

“36A. *Power to make rules retrospectively.*—The power to make rules under clause (c) of sub-section (2) of section 35 or clause (b) of section 36 shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.”

#### Notification

10-3-88/LA

The Metro Railways (Construction of Works) Amendment Act, 1987 (Act No. 42 of 1987) which

was passed by Parliament and assented to by the President of India on 9th December, 1987, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 10th December, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 15th March, 1988.

#### The Metro Railways (Construction of Works) Amendment Act, 1987

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ACT

*further to amend the Metro Railways (Construction of Works) Act, 1978.*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Metro Railways (Construction of Works) Amendment Act, 1987.

2. *Amendment of section 10.*—In section 10 of the Metro Railways (Construction of Works) Act, 1978, to sub-section 33 of 1978. (3), the following proviso shall be added, namely:—

“Provided that in computing the said period of one year, the period or periods during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of section 7 [including any such action or proceeding pending immediately before the commencement of the Metro Railways (Construction of Works) Amendment Act, 1987] is stayed by an order of a Court, whether granted before or after such commencement, shall be excluded.”

#### Corrigendum

The date on the first page of Official Gazette (Extraordinary) Series I, No. 7, should be read as “20th May, 1988 (Vaisakha 30, 1910)” instead of “19th May, 1988 (Vaisakha 29, 1910)”.